

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No. 3:23-CV-04597-EMC

**PLAINTIFF'S MEMORANDUM OF
POINTS & AUTHORITIES**

ASHLEY GJOVIK, *an individual,*

Plaintiff,

v.

APPLE INC, *a corporation,*

Defendant.

IN OPPOSITION TO DEFENDANT'S

MOTION TO DISMISS

Fed. R. Pro. 12(b)(6)

HEARING:

Dept: Courtroom 5, 17th Floor (Virtual)

Date: May 16, 2024

Time: 1:30 p.m.

1 **[PROPOSED] ORDER DENYING DEFENDANT'S MOTION TO DISMISS**

2

3

4 Pending before the Court is Defendant Apple, Inc.'s Motion to Dismiss partial claims in

5 Plaintiff's Third Amended Complaint.

6

7

8 Having considered the moving and opposition papers, arguments, and all other matters

9 presented to the Court, the Court finds that Plaintiff Ashley Gjovik has alleged sufficient facts to

10 state claim upon which relief may be granted for all claims..

11

12 IT IS HEREBY ORDERED that Defendant's Motion to Dismiss for Failure to State a Claim for

13 is denied in its entirety. Plaintiff's claims may proceed.

14

15

16

17 Dated: _____

18 JUDGE EDWARD M. CHEN

19 U.S. DISTRICT COURT JUDGE

20

21

22

23

24

25

26

27

28